

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION # 03CV30298-MAP

JAMES TULGAN,  
Plaintiff

v.

BERKSHIRE ARMORED CAR SERVICES  
CO., INC. PROFIT SHARING PLAN,  
BERKSHIRE ARMORED CAR SERVICES  
CO., INC., GERARD S. REDER and  
JACQUELINE POWERS  
Defendants

JOINT MOTION TO EXTEND  
DISCOVERY AND CONTINUE  
CASE MANAGEMENT  
CONFERENCE

All the parties request the court to extend the discovery period in the above case for an additional 45 days and to move the case management conference to a date after the requested extension. The reasons for the request follow. Discovery is presently scheduled to be completed by September 23, 2004 with a case management conference on September 27, 2004.

The plaintiff sued the defendants alleging each was responsible to him for benefits due from the defendant profit sharing plan. All the defendants denied liability.

The court established the current schedule during a conference on March 24, 2004. During April, 2004, plaintiff's counsel underwent surgery and missed the diary note to serve discovery on the defendants during his absence after surgery. The omission was discovered 30 days before the end of discovery based on a diary note to review the status of the case. Plaintiff's attorney then scheduled depositions of the defendants to take place within the discovery period. The plaintiff also served a document request but the responses would not be

due until shortly after the discovery period closed. The defendants also scheduled the deposition of the plaintiff within the discovery period but their document request would also not be due until after the discovery period closed.

Counsel for all the parties believe the depositions could be conducted more efficiently if the documents requested were produced before the depositions and consulted to determine if that could be done. Defendants' counsel did not believe the defendants' document response could be completed before the deposition dates because of scheduling demands. For that reason, all the parties request an additional 45 days to complete discovery so that the depositions can be held after documents are produced.

In addition to the reasons stated, the processing of discovery was slowed because the defendant Jacqueline Powers filed bankruptcy during the discovery period. Additionally, defendants' counsel is a Chapter 7 panel trustee and is required to conduct approximately 25 meetings of creditors on Monday, September 27, 2004 in Pittsfield, the day on which the case management conference is presently scheduled and, in any event, requests a continuance of the conference for that reason.

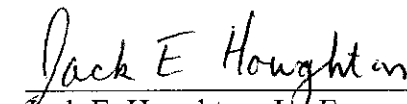
Dated: August 31, 2004

The Plaintiff,  
By his Attorney,



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& Murphy, P.C.  
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The Defendants,  
By their Attorney,



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